

## **Exhibit H**

**DANIEL D VENABLE**  
**REPASS V TNT**

June 29, 2021

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| <p style="text-align: right;">Page 1</p> <p>1 J7218095 eb</p> <p>2</p> <p>3 IN THE UNITED STATES DISTRICT COURT</p> <p>4 FOR THE WESTERN DISTRICT OF TEXAS</p> <p>5 MIDLAND DIVISION</p> <p>6 TIMOTHY W. REPASS AND WILLIAM *<br/> SCOTT MCCANDLESS, INDIVIDUALLY *<br/> AND ON BEHALF OF ALL OTHERS *<br/> SIMILARLY SITUATED *</p> <p>7</p> <p>8 VS. * NO. 7:18-CV-107-DC</p> <p>9</p> <p>10 TNT CRANE AND RIGGING, INC. *</p> <p>11</p> <p>12 *****</p> <p>13 VIDEOCONFERENCED ORAL DEPOSITION OF</p> <p>14 DANIEL DALE VENABLE</p> <p>15 6-29-2021</p> <p>16</p> <p>17 (Reported Remotely pursuant to the Emergency</p> <p>18 Order Regarding the COVID-19 State of Disaster)</p> <p>19 *****</p> <p>20 Date Edith A. Boggs, CSR</p> <p>21</p> <p>22 6-29-2021 HOUSTON, TEXAS</p> <p>23</p> <p>24</p> <p>25</p> | <p style="text-align: right;">Page 3</p> <p>1 A P P E A R A N C E S</p> <p>2</p> <p>3</p> <p>4 ATTORNEY FOR PLAINTIFFS:</p> <p>5 Johnson Law Firm</p> <p>6 314 East Highland Mall Boulevard, Suite 401</p> <p>7 Austin, Texas 78752</p> <p>8</p> <p>9 By: Aaron Johnson, Esquire</p> <p>10 (Present via videoconference)</p> <p>11</p> <p>12 ATTORNEYS FOR DEFENDANT:</p> <p>13 Littler Mendelson, PC</p> <p>14 1301 McKinney Street, Suite 1900</p> <p>15 Houston, Texas 77010</p> <p>16 By: Jonathan A. Sprague, Esquire</p> <p>17 (Present via videoconference)</p> <p>18 and G. Mark Jodon, Esquire</p> <p>19 (Present via videoconference)</p> <p>20</p> <p>21 REPORTED REMOTELY BY:</p> <p>22 Ms. Edith A. Boggs</p> <p>23</p> <p>24</p> <p>25</p> |
| <p style="text-align: right;">Page 2</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8 DEPOSITION OF DANIEL DALE VENABLE</p> <p>9</p> <p>10</p> <p>11 DEPOSITION AND ANSWERS of DANIEL DALE VENABLE,</p> <p>12 taken before Edith A. Boggs, a certified shorthand</p> <p>13 reporter in Harris County for the State of Texas, taken</p> <p>14 via videoconference with the witness being present from</p> <p>15 Midland, Texas, on the 29th day of June, 2021, between</p> <p>16 the hours of 9:57 a.m. and 11:34 a.m.</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>  | <p style="text-align: right;">Page 4</p> <p>1 EXAMINATION INDEX</p> <p>2</p> <p>3 QUESTIONS BY PAGE</p> <p>4</p> <p>5 Mr. Sprague 5</p> <p>6</p> <p>7 Mr. Johnson 70</p> <p>8</p> <p>9 INDEX OF EXHIBITS</p> <p>10</p> <p>11 NO. MARKED DESCRIPTION</p> <p>12 Exhibit 1 26 Weekly time reports</p> <p>13</p> <p>14 Exhibit 2 58 Declaration of Daniel Venable</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>  |

DANIEL D VENABLE  
 REPASS V TNT

June 29, 2021  
 45-48

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| <p style="text-align: right;">Page 45</p> <p>1 house and then go pick up -- and I was mandated as my<br/>         2 dispatch to go pick up a rigger or equipment at the<br/>         3 yard, which wasn't on my way to the job site, then yeah,<br/>         4 I should have gotten paid for it.<br/>         5 Q. So are you claiming that there were times when<br/>         6 you were instructed that you must pick up a rigger<br/>         7 before work?<br/>         8 A. Yes.<br/>         9 Q. And were you instructed not to put that time on<br/>         10 your timesheet?<br/>         11 A. Yes.<br/>         12 Q. Were there times when you would pick up a<br/>         13 rigger and put the time on your timesheet?<br/>         14 A. I don't recall.<br/>         15 Q. Were there times when you were paid for time<br/>         16 spent traveling with a rigger or picking up a rigger or<br/>         17 dropping off a rigger?<br/>         18 A. Can you repeat that question?<br/>         19 Q. Sure. Were there times where you were paid for<br/>         20 time spent transporting a rigger to or from a job site?<br/>         21 A. Yes, on the -- like I stated previously, if<br/>         22 there was an allotted amount of time, you have 14 hours<br/>         23 for each day is what you can bill the customer, if part<br/>         24 of that 14 hours had me driving the rigger, then part of<br/>         25 that time was paid, but whatever time we were together</p>   | <p style="text-align: right;">Page 47</p> <p>1 for Tuesday, it has an entry for 2:30 a.m. to 5:00 a.m.,<br/>         2 "picking up rigger and driving to Chevron in Orla,<br/>         3 Texas." Would you have been paid for this time?<br/>         4 A. Where is this?<br/>         5 Q. The first column, second row, Tuesday,<br/>         6 2:30 a.m. to 5:00 a.m.<br/>         7 A. Okay. So there are other situations where if<br/>         8 a -- I may have had to pick up a rigger for other crane<br/>         9 operators from different locations. It just depends<br/>         10 where I was coming in from.<br/>         11 If you look on the day prior, I was back at<br/>         12 the yard. So I was back in Midland. I finished my day<br/>         13 in Midland, so I came home on Monday.<br/>         14 On Tuesday, I had to pick up a rigger and<br/>         15 drive them to a location. So I had to go from here and<br/>         16 pick up a rigger in Orla, is what it appears to say, and<br/>         17 then drive to location.<br/>         18 Q. Okay. So let's go back to the last entry you<br/>         19 had for Monday, 7:30 p.m. to 9:00 p.m., "driving back to<br/>         20 yard," does that reflect time that you spent driving<br/>         21 from Rosetta back to the Midland yard?<br/>         22 A. Driving a crane, yes.<br/>         23 Q. You would have been paid for that time,<br/>         24 correct?<br/>         25 A. Yes. I was driving a crane.</p>   |
| <p style="text-align: right;">Page 46</p> <p>1 or I had to go pick him up that wasn't approved time,<br/>         2 then I wasn't paid for it.<br/>         3 Q. What was the acceptable amount of time for<br/>         4 transporting a rigger that you would get paid for?<br/>         5 A. It varied. It varied from job to job. Like I<br/>         6 said, if it was -- if they said you have 13 hours a day<br/>         7 with this job, this Chevron job, you get 13 hours a day,<br/>         8 okay, well, if the next Chevron job, you get 15 hours a<br/>         9 day, well, we're on the job site for 12 and a half to<br/>         10 13 hours and then, you know, the next day -- or the next<br/>         11 job site, if it's 15, then we get 2 hours. Do you<br/>         12 understand what I'm saying?<br/>         13 Q. Uh-huh. Are there any jobs that you would have<br/>         14 gotten 18.5 hours, 19 hours for?<br/>         15 A. There may have been.<br/>         16 Q. And you stated that the amount of time that you<br/>         17 could put down for transporting ridders varied. What<br/>         18 was the range that it could vary from?<br/>         19 A. I mean, I don't know.<br/>         20 Q. We'll take a look at another one of these<br/>         21 timesheets. This is 3801. Would you agree that this is<br/>         22 a document that appears to be a weekly time report for<br/>         23 the week ending March 11, 2018?<br/>         24 A. Yes.<br/>         25 Q. If you look down the first column, second row,</p> | <p style="text-align: right;">Page 48</p> <p>1 Q. Then the very next entry, 2:30 a.m. to<br/>         2 5:00 a.m., "picking up rigger and driving to Chevron,"<br/>         3 you would have been paid for that time as well, correct?<br/>         4 A. Yes.<br/>         5 Q. Would you have been instructed by someone to go<br/>         6 pick up that rigger or would that have been an<br/>         7 arrangement that was made for convenience sake on your<br/>         8 own end?<br/>         9 A. No, it wouldn't have been a convenience thing.<br/>         10 If it was a convenience thing, they would have driven<br/>         11 themselves.<br/>         12 The thing is is ridders weren't allowed to<br/>         13 take their own vehicles. Early on when I started<br/>         14 working there, I was able to take my personal vehicle.<br/>         15 In fact, they actually paid me to take my vehicle<br/>         16 because I used it for work, but later, they changed that<br/>         17 rule to where ridders had to ride in company vehicles<br/>         18 with a crane operator. So any time there was a crane<br/>         19 operator and a rigger on a job, the crane operator had<br/>         20 to go pick up the rigger.<br/>         21 Q. For this entry, the 2:30 a.m. to 5:00 a.m.,<br/>         22 "picking up rigger and driving to Chevron," were you<br/>         23 instructed by anyone to go pick up that rigger?<br/>         24 A. I would have had to have been.<br/>         25 Q. And who would have given you that instruction?</p> |